

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, ET AL.;)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:18-cv-00068
)	
UNITED STATES OF AMERICA, ET AL.;)	
)	
)	
Defendants,)	
)	
and)	
)	
KARLA PEREZ ET AL.;)	
)	
STATE OF NEW JERSEY,)	
)	
Defendants-Intervenors.)	
)	

***AMICUS'* MOTION FOR LEAVE TO FILE EXCESS PAGES**

Charles Breiterman, admitted *Pro Hac Vice*, respectfully moves the court for leave to file an *Amicus* Brief of up to 40 pages, exhibits and appendices included within that limit, in support of the plaintiffs' Motion for Summary Judgment.

Dated: October 16th, 2020

Respectfully Submitted,

/s/ Charles Breiterman
Charles Breiterman
N.Y. Bar #4513685
45 East 89 Street #24B
New York, NY 10128
Tel. 917-528-0474
email: BreitermanLaw@gmail.com

AFFIRMATION IN SUPPORT OF MOTION FOR LEAVE TO FILE EXCESS PAGES

Charles Breiterman, an attorney duly licensed to practice law in the State of New York affirms as follows,

- 1) Affirmant intends to proffer an *Amicus* Brief to this court.
- 2) This court has previously granted five such requests made by parties on both sides of this litigation. These are found in docket numbers 16, 361, 409(2x), and 488.
- 3) As affirmant demonstrated in the Affirmation in Support of his Motion For Admission *Pro Hac Vice*, in the past, significant intellects have cited affirmant's published work.
- 4) Affirmant believes his brief will be of assistance to this court in this case of national importance.
- 5) The Motion for Summary Judgment of the Plaintiff-States that was re-filed on October 9, 2020 briefly covers the main argument of my brief, but does so insufficiently. The particular focus of my brief requires much more examination.
- 6) Earlier filings in this litigation are even more lacking in the area my brief will cover. The same situation prevails in the briefs filed at the Supreme Court stage in the related DACA recission litigation. Furthermore, affirmant has not found the argument sufficiently covered in the submissions to the three federal district courts and three circuit courts in the DACA recission litigation.
- 7) Due to the situation described in items 5-6, affirmant, a solo practitioner who has received no funding for this work, is trying do in one submission to the court what might have been done in several prior submissions and with a team of lawyers, by people who actually get paid for their work.
- 8) The affirmant's entire argument has at least 7 parts, and is too long even for a 40 page brief. Affirmant is making strategic choices to cut the brief to as few as 3 of the component arguments and leave the rest for a book that affirmant hopes to have available in pre-print as soon as possible. Nevertheless, affirmant requests leave to file up to 40 pages so that affirmant has the freedom to make

strategic choices on what to cut and what to keep in the brief.

Conclusion

Affirmant makes this motion for good cause, in the interest of justice, and no party will be prejudiced if the motion is granted. Based on the foregoing reasons, this *amicus* requests leave to file excess pages.

Dated: October 16th, 2020

Respectfully Submitted,

/s/ Charles Breiterman
Charles Breiterman
N.Y. Bar #4513685
45 East 89 Street #24B
New York, NY 10128
Tel. 917-528-0474
email: BreitermanLaw@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2019, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Charles Breiterman

Charles Breiterman

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**ORDER GRANTING *PRO HAC VICE* COUNSEL CHARLES BREITERMAN'S
MOTION TO FOR LEAVE TO FILE EXCESS PAGES**

On this date, the Court considered Charles Breiterman's Motion For Leave to File Excess Pages.
After considering the Motion, the Court believes the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Exceed Page Limits is hereby
GRANTED. SIGNED on this the _____ day of October, 2020.

Hon. Andrew S. Hanen,
U.S. District Court Judge